

1 I, John W. Fowler, declare as follows:

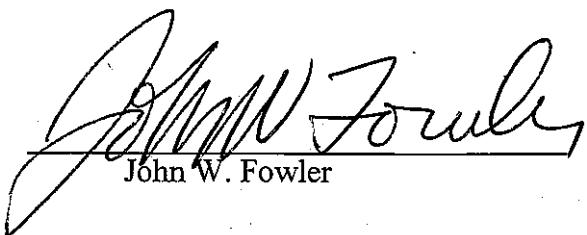
2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California. I am a partner with the law firm of Bergeson, LLP, counsel of record for Plaintiff
4 Verigy US, Inc. ("Verigy") in the above-captioned action. I submit this declaration in support of
5 Verigy's Motion to Strike Affirmative Defenses. I have personal knowledge of the facts set forth
6 in this declaration, and, if called to do so, I could and would competently testify thereto.

7 2. On October 3, 2007, my colleague Mindy Morton emailed defendants' counsel and
8 requested a one day extension to respond. As Verigy had previously offered the same courtesy to
9 Defendants for their response to Verigy's Complaint, we expected that Defendants would grant
10 this request. Defendants did not respond to Ms. Morton's email.

11 3. On October 4, 2007, I defended the deposition of Mr. Ira Leventhal, one of
12 Verigy's witnesses. Before the deposition began, I asked defendants' counsel, Mr. Kevin
13 Pasquinelli, why they had not responded to Ms. Morton's request. Mr. Pasquinelli informed me
14 that they had been extremely busy the previous day but that of course they would grant the request
15 for a one day extension. He told me that although he had not responded the previous day, he had
16 assumed that we would know that Defendants would grant such a request.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct and that this declaration was executed this 26th day of October, 2007
19 at San Jose, California.

20
21
22
23
24
25
26
27
28



John W. Fowler